

1 THE HONORABLE ROBERT S. LASNIK
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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 OSURE BROWN, on his own behalf and on
13 behalf of other similarly situated persons.,

14 Plaintiff,

15 v.

16 TRANSWORLD SYSTEMS, INC., *et al.*,

17 Defendants.

18 Case No. 2:20-cv-00669-RSL

19 STIPULATED MOTION AND [PROPOSED]
20 ORDER TO EXTEND RESPONSIVE
21 PLEADINGS DEADLINES, ADJUST FED. R.
22 CIV. P. 12(b) BRIEFING STRUCTURE, AND
23 CONTINUE INITIAL DISCOVERY
24 DEADLINES

25 NOTE ON MOTION CALENDAR:
June 29, 2020

18 STIPULATION

19 The Parties' mutually agree to alter various scheduling and initial issues, pursuant to
20 Local Civil Rules 7(d)(1) and 10(g), and for the following reasons, Plaintiff Osure Brown
21 ("Plaintiff") and Defendants Transworld Systems Inc. ("TSI"), Patenaude & Felix, APC
22 ("P&F"), U.S. Bank National Association ("U.S. Bank"), National Collegiate Student Loan
23 Trust 2004-1, National Collegiate Student Loan Trust 2004-2, National Collegiate Student
24 Loan Trust 2005-1, National Collegiate Student Loan Trust 2005-2, National Collegiate
25 Student Loan Trust 2005-3, National Collegiate Student Loan Trust 2006-1, National

STIPULATED MOTION AND ORDER TO EXTEND
RESPONSIVE PLEADINGS DEADLINES, ADJUST
FED.R.CIV.P. 12(b) BRIEFING STRUCTURE, AND
CONTINUE INITIAL DISCOVERY DEADLINES (No. 2:20-cv-

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1 Collegiate Student Loan Trust 2006-2, National Collegiate Student Loan Trust 2007-1, and
 2 National Collegiate Student Loan Trust 2007-2 (collectively, “the Trusts,” and together with
 3 TSI, P&F, and U.S. Bank, “Defendants”), collectively the “Parties,” hereby stipulate and
 4 agree, as follows:

5 1. The Parties stipulate that Defendants’ deadline to answer or otherwise respond
 6 to the Amended Complaint (Dkt. No. 56) in the above-referenced action is extended from July
 7 9, 2020 to August 6, 2020. No prior requests to extend Defendant’s deadline to answer or
 8 otherwise respond to the Amended Complaint have been made.

9 2. The Parties also stipulate that if Defendants file motions pursuant to
 10 Fed.R.Civ.P. 12(b) in lieu of an answer on the stipulated responsive pleading deadline of
 11 August 6, 2020, Plaintiff shall have until September 10, 2020, to file any oppositions thereto,
 12 Defendants shall have until October 1, 2020, to file their replies, and the motions shall be
 13 noted for October 2, 2020. No prior requests to alter the timing of briefing on anticipated
 14 Rule 12(b) motions to dismiss the Amended Complaint have been made.

15 3. Defendants anticipate filing separate motions to dismiss the Amended
 16 Complaint. The Parties stipulate and agree to structure the briefing on Defendants’
 17 anticipated motions to dismiss in accordance with the below.

18 The Parties agree that, in order to avoid needless duplication of arguments, the
 19 Defendants shall be permitted to file a joint brief in support of those motions in order to
 20 address arguments common to all Defendants. Such joint brief shall not exceed twenty-two
 21 (22) double-spaced pages, excluding caption, table of contents, and signature blocks. Each
 22 individual Defendant shall also each be permitted to file a separate motion-to-dismiss brief
 23 addressing arguments relevant to the individual Defendant. Such individual briefs shall not
 24 exceed sixteen (16) double-spaced pages each. Plaintiff’s opposition to the joint brief shall not
 25 exceed twenty-two (22) double-spaced pages and the opposition to each individual brief shall

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1 not exceed sixteen (16) double-spaced pages. Defendants' joint reply brief shall not exceed
 2 eleven (11) double-spaced pages, and the reply in support of each individual Defendant's
 3 brief shall not exceed eight (8) double-spaced pages.

4 Such a briefing structure will save the Court and the Parties unnecessary time and
 5 effort with respect to briefing on overlapping or identical issues. No prior requests to alter the
 6 briefing structure of responsive pleadings to the Amended Complaint have been made.

7 4. The Parties also stipulate and agree to continue the deadlines for the Rule 26(f)
 8 conference, initial disclosures, and the joint status report as currently set by the Court's
 9 Stipulation and Order to Extend Initial Discovery Deadlines (Dkt. No. 35) subject to the
 10 limitations and agreement herein.

11 This is the Parties' second request to extend the initial discovery deadlines. Prior to the
 12 Plaintiff's filing of an Amended Complaint (Dkt. No. 56), the Court has previously extended
 13 initial discovery deadlines for initial discovery upon Stipulation of the Parties (Dkt. No. 35.)
 14 However, the filing of an Amended Complaint by Plaintiff and the anticipated motions
 15 practice in regard to the amended pleading provide good cause to amend the initial discovery
 16 dates. The initial discovery dates in the prior order were timed so that the briefing on motions
 17 to dismiss were to be completed prior to the initial discovery. Resetting the initial discovery
 18 dates so that this occurs again will permit the parties to set forth their claims and defenses
 19 prior to the initial discovery occurring, which it is believed will facilitate more complete
 20 initial discovery discussions.

21 The parties have entered into this stipulation and agreement to mutually cooperate in
 22 the management of this action. In addition, the Defendants have represented by their counsel
 23 that they require additional time to analyze the claims and issues presented in Plaintiff's
 24 Amended Complaint (Dkt. No. 56).

25
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1 Accordingly, the parties hereby stipulate and agree to extend the deadlines set forth in
 2 the Stipulation and Order to Extend Initial Discovery Deadlines (Dkt. No. 35) as follows:

| 3 EVENT | 4 SCHEDULED DATE | 5 RESCHEDULED DATE |
|---|-------------------------|--|
| 6 Deadline for FRCP 26(f) 7 Conference | 7 July 31, 2020 | 8 October 15, 2020 or 14 days 9 following any Defendant's 10 reply in support of a timely- 11 filed Rule 12(b) Motion, 12 whichever is later |
| 13 Deadline for Initial Disclosures | 14 August 14, 2020 | 15 October 29, 2020, or 14 days 16 following the deadline for 17 FRCP 26(f) Conference, 18 whichever is later |
| 19 Deadline for Joint Status Report and Discovery Plan | 20 August 24, 2020 | 21 November 5, 2020, or 21 22 days following the deadline 23 for FRCP 26(f) Conference, 24 whichever is later |

25 In addition, the Parties agree that they may exchange written discovery requests at any
 1 time and responses to such written discovery are not due until thirty days after the rescheduled
 2 and continued Fed.R.Civ.P. 26(f) conference or at another time as agreed to by the Parties in
 3 writing as necessary or appropriate, including any reasonable extensions that may be needed
 4 in light of certain issues related to the case and/or COVID-19 orders. Nothing in this
 5 agreement concerning discovery waives any objections that the Parties may have to such
 6 discovery or any party's ability to make rolling document productions or responses.

27 The foregoing stipulations do not alter or modify any other rights or responsibilities of the
 28 Parties except as stated herein permitted by law or under the Federal Rules of Civil Procedure, or
 29 the Local Civil Rules.

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1 DATED: June 29, 2020.

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15 2, National Collegiate Student Loan Trust
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20 Collegiate Student Loan Trust 2007-2*

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ORDER

IT IS SO ORDERED. Accordingly;

The Parties' prior stipulations regarding responding to the initial complaint, briefing on motions to dismiss, and setting initial discovery deadlines are hereby superseded by the provisions in this Order, and this Order controls as to the matters set forth below.

Defendants' deadline to answer or otherwise respond to the Amended Complaint (Dkt. No. 56) is extended to August 6, 2020.

Should Defendants file motions pursuant to Fed. R. Civ. P. 12(b) in lieu of an answer to the Amended Complaint on the stipulated responsive pleading deadline of August 6, 2020, Plaintiff shall have until September 10, 2020, to file any oppositions thereto, Defendants shall have until October 1, 2020, to file their replies, and the motions shall be noted for October 2, 2020.

Furthermore in order to avoid needless duplication of arguments, the Defendants shall be permitted to file a joint brief in support of those motions in order to address arguments common to all Defendants. Such joint brief shall not exceed twenty-two (22) double-spaced pages. Each individual Defendant shall also each be permitted to file a separate motion-to-dismiss brief addressing arguments relevant to the individual Defendant. Such individual briefs shall not exceed sixteen (16) double-spaced pages each. Plaintiff's opposition to the joint brief shall not exceed twenty-two (22) double-spaced pages and the opposition to each individual brief shall not exceed sixteen (16) double-spaced pages. Defendants' joint reply brief shall not exceed eleven (11) double-spaced pages, and the reply in support of each individual Defendant's brief shall not exceed eight (8) double-spaced pages.

Initial Discovery deadlines are rescheduled, as follows:

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| 4 Deadline for FRCP 26(f) Conference | 5 July 31, 2020 | 6 October 15, 2020 or 14 days 7 following any Defendant's reply in support of a timely- 8 filed Rule 12(b) Motion, whichever is later |
| 9 Deadline for Initial Disclosures | 10 August 14, 2020 | 11 October 29, 2020, or 14 days 12 following the deadline for FRCP 26(f) Conference, whichever is later |
| 13 Deadline for Joint Status Report and Discovery Plan | 14 August 24, 2020 | 15 November 5, 2020, or 21 16 days following the deadline 17 for FRCP 26(f) Conference, whichever is later |

12
The extension of the above initial discovery deadlines does not alter or modify any
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other rights or responsibilities of the Parties except as stated herein permitted by law or under
14
the Federal Rules of Civil Procedure, or the Local Civil Rules.

15
The Parties may exchange written discovery requests at any time and responses to
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such written discovery are not due until thirty days after the rescheduled and continued
17
Fed.R.Civ.P. 26(f) conference or at another time as agreed to by the Parties in writing as
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necessary or appropriate, including any reasonable extensions that may be needed in light of
19
certain issues related to the case and/or COVID-19 orders.

20
DATED this 30th day of June, 2020.

22

23
Robert S. Lasnik
24
United States District Judge

25
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CERTIFICATE OF SERVICE

The undersigned certifies as follows:

1. I am employed at Corr Cronin LLP, attorneys for Defendant Transworld Systems Inc. herein.

2. On June 30, 2020, I caused a true and correct copy of the foregoing document to be served with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: June 30, 2020, at Seattle, Washington.

s/ *Donna Patterson*
Donna Patterson

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